

# **NEBRASKA ADMINISTRATIVE CODE**

## **TITLE 436**

### **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

#### **NUMERICAL TABLE OF CONTENTS**

<b>Chapter #</b>	<b>Chapter Title</b>	<b>Statutory Authority</b>	<b>Code Section(s)</b>
<b>1</b>	<b>General Provisions</b>	<b>U9-102; U9-501 through 531</b>	<b>100-117</b>
<b>2</b>	<b>Acceptance and Refusal of Documents</b>	<b>U9-501 through 531</b>	<b>200-208</b>
<b>3</b>	<b>UCC Information Management System</b>	<b>U9-501 through 531</b>	<b>300-312</b>
<b>4</b>	<b>Filing and Data Entry Procedures</b>	<b>U9-501 through 531</b>	<b>400-417</b>
<b>5</b>	<b>Search Requests and Reports</b>	<b>U9-501 through 531</b>	<b>500-504</b>
<b>6</b>	<b>Other Notices of Liens</b>	<b>U9-501 through 531</b>	<b>600-606</b>
<b>7</b>	<b>Rule Making Procedure</b>	<b>U9-501 through 531</b>	<b>702-704</b>
<b>A</b>	<b>Approved Filing and Search request Forms</b>		<b>Appendix A</b>

# **NEBRASKA ADMINISTRATIVE CODE**

## **TITLE 436**

### **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

#### **ALPHABETICAL TABLE OF CONTENTS**

<b>Chapter #</b>	<b>Chapter Title</b>	<b>Statutory Authority</b>	<b>Code Section(s)</b>
<b>2</b>	<b>Acceptance and Refusal of Documents</b>	<b>U9-516 and 520</b>	<b>200-208</b>
<b>4</b>	<b>Filing and Data Entry Procedures</b>	<b>U9-501 through 531</b>	<b>400-417</b>
<b>1</b>	<b>General Provisions</b>	<b>U9-501 through 531</b>	<b>100-117</b>
<b>6</b>	<b>Other Notices of Liens</b>	<b>U9-501 through 531</b>	<b>600-606</b>
<b>7</b>	<b>Rule Making Procedure</b>	<b>U9-501 through 531</b>	<b>702-704</b>
<b>5</b>	<b>Search Requests and Reports</b>	<b>U9-501 through 531</b>	<b>500-504</b>
<b>3</b>	<b>UCC Information Management System</b>	<b>U9-501 through 531</b>	<b>300-312</b>
<b>A</b>	<b>Approved Filing and Search request Forms</b>		<b>Appendix A</b>

**NEBRASKA ADMINISTRATIVE CODE**

**TITLE 436**

**ADMINISTRATIVE RULES FOR ARTICLE 9  
UNIFORM COMMERCIAL CODE**

**ADMINISTRATIVE RULES**

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# **NEBRASKA ADMINISTRATIVE CODE**

## **TITLE 436**

### **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

#### **Chapter 1 -- General Provisions**

- 100 Policy statement. The administration of the UCC has an important impact on the economy and upon the rights of the public, in this state and in the United States. The volume of international, interstate and multistate transactions pursuant to the UCC requires that the administration of the UCC be conducted in a manner that promotes both local and multi-jurisdictional commerce by striving for uniformity in policies and procedures among the various states.

As provided in §9-526 of the UCC, the interpretation and implementation of the filing office's duties and responsibilities shall be expressed in a written set of administrative rules, which the public shall have a voice in creating. Such rules have the following purposes:

To simplify and improve the administration of the UCC by promoting uniform UCC filing procedures in this state and in the nation;

To simplify the public's ability to discover and understand the UCC filing procedures of the various states by establishing a uniform framework for describing the procedures;

To increase public access to information;

To increase public participation in the formulation of administrative policy and procedures; and

To increase public accountability of the filing officer.

- 101 Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

101.1 "Amendment" means a UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and

terminations. Any multiple amendment changes (i.e. continuation & amendment) must be filed on separate documents.

## NAC-Title 436, Ch. 1

- 101.2 "Assignment" is an amendment that purports to reflect an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement.
- 101.3 "Continuation" means an amendment that purports to continue the effectiveness of a financing statement.
- 101.4 "Correction statement" means a UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed.
- 101.5 "File number" means the unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. For a financing statement with an initial financing statement filed on or prior to June 30, 1999, the file number includes three segments: 1) the County location [1-93] or UCC Div prefix [99], 2) the year of filing expressed as a two-digit number, and 3) a 6-digit number assigned to the financing statement by the filing officer. For a financing statement with an initial financing statement filed on or after July 1, 1999, the file number includes three segments: 1) the County location [1-93], UCC Division [99], or Electronic Filing [98] prefix, 2) the year of filing expressed as a 2-digit number, 3) followed by a unique 6-digit number assigned to the financing statement by the filing office. After July 1, 2000, a 4th segment will be added and document #'s assigned to all new financing statements will end with a single-digit verification number assigned by the filing office but mathematically derived from the numbers in the six digit segment. The filing number bears no relation to the time of filing and is not an indicator of priority.
- 101.6 "Filing office" and "filing officer" mean Secretary of State's Office, Uniform Commercial Code Division.
- 101.7 "Filing Office Statement" means a statement of correction entered into the filing office information system to correct an error by the filing office.
- 101.8 "Financing statement" means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.
- 101.9 "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

101.10 "Initial financing statement" means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by UCC Statutes 9-512 or 9-518.

NAC-Title 436, Ch. 1

101.11 "Organization" means a legal person who is not an individual under rule 101.9.

101.12 "Remitter" means a person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. Remitter does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

101.13 "Secured party of record" means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under UCC statute 9-514 (a), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under UCC statute 9-514 (b), the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

101.14 "Termination" means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

101.15 "UCC" means the Uniform Commercial Code as adopted in this state and in effect from time to time.

101.16 "UCC document" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC documents may be expressed or transmitted electronically. (Note: this definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in UCC § 9-102(a)(30).)

- 102 Singular and plural forms. Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

NAC-Title 436, Ch. 1

- 103 Place to file. The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (UCC §9-102(a)(6)) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC documents where the debtor is a transmitting utility.
- 104 Filing office identification. In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its internet and other electronic "addresses" through usual and customary means.
- 104.1 On-line information service. The filing office offers on-line information services by subscription through Nebraska@ Online. Call the Secretary of State's Office for contact information.
- 104.2 Electronic Mail. Electronic mail cannot be used for filing UCC documents or for requesting searches of the records of financing statements.
- 105 Office hours. Although the filing office maintains regular office hours, it receives transmissions electronically 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.
- 106 UCC document delivery. UCC documents may be tendered for filing at the filing office as follows.
- 106.1 Personal delivery, at the filing office's street address. The file time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).
- 106.2 Courier delivery, at the filing office's street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC document is first examined by a filing officer for processing (even though the

UCC document may not yet have been accepted for filing and may be subsequently rejected), or on or before the next close of business following the time of delivery. A UCC document delivered after regular business hours or on a day the filing office is not open for business (if not examined for processing sooner) will have a filing time of on or before close of business on the next day the filing office is open for business

NAC-Title 436, Ch. 1

- 106.3 Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC document is first examined by a filing officer for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected), or on or before the next close of business following the time of delivery. A UCC document delivered after regular business hours or on a day the filing office is not open for business (if not examined for processing sooner) will have a filing time of on or before close of business on the next day the filing office is open for business.
- 106.4 Direct on-line data entry. UCC documents, excluding correction statements and filing officer statements, may be entered on-line as described in rules 370 et seq. The file time for a UCC document delivered by this method is the time that all required elements of the UCC document have been entered into the filing office's direct on-line entry system in the proper format and such entry is acknowledged by such system.
- 107 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Requirements concerning search requests are set forth in rule 501. UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form (National Financing Statement Form UCC 1) if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement.
- 108 Approved forms. Forms for UCC documents that conform to the requirements of this rule will be acceptable by the filing office. Other forms will not be accepted by the filing office.
- 108.1 Statutory forms. The forms set forth in UCC § 9-521 will be acceptable.
- 108.2 IACA approved forms. A form approved for the relevant UCC document by the International Association of Corporation Administrators on or after 4-23-98 will be acceptable.



108.3 Secretary of State-approved. A form for the relevant UCC document approved by the office of the Secretary of State will be acceptable. Copies of all such forms then approved shall be distributed with these rules when they are distributed by the filing office and the filing office shall cause copies of such forms to be made available to prospective filers and remitters upon request.

108.4 Web page filings. A UCC Document transmitted through data entry on the filing office's Internet web page will be acceptable. Further information on web page filing can be found in section 104.1

NAC-Title 436, Ch. 1

109 Form -- UCC search. A form that meets the requirements regarding dimensions and location of information on the search form approved by the Office of the Secretary of State or that is transmitted electronically in accordance with rules 370 et seq. will be acceptable and the forms will be made available to prospective searchers and remitters upon request. Other forms will not be accepted by the filing office.

110 Filing fees.

110.1 Filing fee. The fee for filing and indexing a UCC document is provided in statute 9-525. The fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper is provided in statute 9-525.

110.2 UCC search fee. The fee for a UCC search request communicated on paper is provided in statute 9-525. The fee for requesting a UCC search communicated by a medium authorized by these rules which is other than on paper or in a paper-based format is provided in statute 9-525.

110.3 UCC copies. The fee for UCC search copies (paper) is provided in statute 9-528.

111 Methods of payment. Filing fees and fees for public records services may be paid by the following methods.

111.1 Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office. However, cash payments received by mail will not be rejected.

111.2 Checks. Checks made payable to the filing office, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment. (Exception: If previous checks were returned

unpaid, future payments from the same party must be made by Cashiers, Certified, or Money Order.)

- 111.3 Other account. Filers may apply for a Monthly Charge Account on an application furnished by the filing office. Upon approval, fees for filings and search/copy requests will be charged to this account and invoiced monthly. Online filings and searches may be billed through a third party provider contracting with the state to provide these services.

#### NAC-Title 436, Ch. 1

#### 114 Overpayment and underpayment policies.

- 114.1 Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$ 5.00 to the remitter. The filing officer shall refund an overpayment of \$5.00 or less only upon the written request of the remitter and said request must be received within 30 days of deposit of the check by filing office.

- 114.2 Underpayment. Upon receipt of a document with an insufficient fee, the filing officer shall do the following.

- 114.2.1 The document shall be returned to the remitter as provided in rule 205 with fee payment.

- 115 Public records services. Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system.

- 115.1 Individually identified documents. Copies of individually identified UCC documents are available in the following forms.

UCC and EFS documents and Statutory Lien copies are available on paper through the UCC Division (or County office if filed prior to 7-1-1999) or through Nebraska@ Online.

- 115.2 Bulk copies of documents. Bulk copies of UCC documents are available in the following forms.

Bulk copies of UCC documents are available through Nebrask@ Online.

115.3 Data from the information management system. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from Nebrask@ Online upon request. Data from the information management system is available as follows from Nebrask@ Online.

115.3.1 Full extract. A bulk data extract of information from the UCC information management system are available on a monthly basis.

115.3.2 Special Request extract. User specified file parameters from the UCC information management system are available.

#### NAC-Title 436, Ch. 1

115.3.3 Format. Extracts from the UCC information management system are available in the following formats.

Magnetic tape.

FTP (Electronic File Transfer)

115.4 Direct on-line services. On-line services make UCC data available on a subscription basis. A description of subscription services is available from Nebrask@ Online.

116 Fees for public records services. Fees for public records services are established as follows:

116.1 Paper copies of individual documents (from Secretary of State's Office.)

116.1.1 Regular mail delivery method. Fee is provided in statute 9-528(d).

116.1.2 Reserved.

116.2 Data from the information management system (through Nebrask@ Online)

116.3.1 Full extract. Fee is provided in statute 33-101

116.3.2 Special Requests. Fee is provided in statute 9-523.

116.3.3 Reserved.

- 117 New practices and technologies The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

Numbers 118 through 199 are reserved.

## **NEBRASKA ADMINISTRATIVE CODE**

### **TITLE 436**

## **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

### **Chapter 2 -- Acceptance and Refusal of Documents.**

- 200 Policy statement. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:
- 200.1 Determine the legal sufficiency or insufficiency of a document.
  - 200.2 Determine that a security interest in collateral exists or does not exist.
  - 200.3 Determine that information in the document is correct or incorrect, in whole or in part.
  - 200.4 Create a presumption that information in the document is correct or incorrect, in whole or in part.

- 201 Duty to file. Provided that there is no ground to refuse acceptance of the document under rule 202, a UCC document is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system.
- 202 Grounds for refusal of UCC document. The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.
- 202.1 Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and mailing address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If filer is not using IACA approved form for filing, (statutory forms authorized under 9-521 are considered to be IACA approved forms for these purposes), all debtor name indexes must be stated in boxes substantially similar to debtor boxes on the IACA approved form.

## NAC-Title 436, Ch. 2

- 202.2 Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (if it has one) or a statement that it does not have one. If filer is not using IACA approved form, (statutory forms authorized under 9-521 are considered to be IACA approved forms for these purposes) for filing, all debtor name indexes must be stated in boxes substantially similar to debtor boxes on the IACA approved form.
- 202.3 Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and mailing address. If filer is not using IACA approved form for filing (statutory forms authorized under 9-521 are considered to be IACA approved forms for these purposes), all secured party names must be stated in boxes substantially similar to secured party boxes on the IACA approved form.

- 202.4 Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of an initial financing statement in the UCC information management system that has not lapsed.
- 202.5 Identifying information. A UCC document that does not identify itself as an initial financing statement or as any other type of UCC document as required by UCC statutes 9-512, 9-514, or 9-518, is an initial financing statement.
- 202.6 Timeliness of continuation. A continuation shall be refused if it is not received during the six month period concluding on the day upon which the related financing statement would lapse.
- 202.6.1 First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.

## NAC-Title 436, Ch. 2

- 202.6.2 Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.
- 202.7 Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in rule 111.
- 202.8 Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.
- 202.9 Reserved.
- 203 Grounds not warranting refusal. The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in rule 202. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

- 203.1 Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.
- 203.2 Incorrect names.
- 203.2.1 The UCC document appears to identify a debtor incorrectly.
- 203.2.2 The UCC document appears to identify a secured party or a secured party of record incorrectly.
- 203.3 Extraneous information. The UCC document contains additional or extraneous information of any kind.
- 203.4 Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in rule 202.1 through 202.5.
- 203.5 Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.
- 203.6 Excessive fee. The document is accompanied by funds in excess of the full filing fee. See Rule 114 on overpayments.

NAC-Title 436, Ch. 2

- 204 Time limit. The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.
- 205 Procedure upon refusal. If the filing officer finds grounds under rule 202 to refuse acceptance of a paper UCC document, the filing officer shall return the document to the remitter and will return the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason for refusal to accept the document under rule 202. The notice shall be sent to a secured party or the remitter as provided in rule 401.3.2 no later than the second business day after of the determination to refuse acceptance of the document. The fee may be delivered with the notice or under separate cover. If an on-line

filing contains grounds for refusal, the on-line application will immediately return a message to the user stating which field of information is deficient and the user will then have the opportunity to correct and re-submit.

- 206 Acknowledgment. At the request of a filer or remitter who files a paper UCC document, the filing officer shall either (i) send to said filer or remitter an acknowledgement of the record of the UCC document showing the file number assigned to it and the date and time of filing or, (ii) if such filer or remitter provides a copy of such UCC document, the filing office shall attach an acknowledgement showing the file number and the date and time of filing to the copy and deliver or send it to said filer or remitter. For UCC documents tendered by on-line access, the online access provider shall provide an acknowledgement to the filer or remitter showing the information in the filed document, the file number and the date and time of filing.
- 207 Other Notices. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. **THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.**

#### NAC-Title 436, Ch. 2

- 208 Refusal errors. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing should not have been refused under rule 202, the secured party or remitter must return the Rejection Notice and document, and the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file a correction statement on the same day (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and sets forth such date and time.

Numbers 209 through 299 are reserved.



## **NEBRASKA ADMINISTRATIVE CODE**

### **TITLE 436**

## **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

### **Chapter 3 -- UCC Information Management System**

- 300 Policy statement. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system

includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.

- 301 Primary data elements. The primary data elements used in the UCC information management system are the following.

301.1 Identification numbers.

301.1.1 Each initial financing statement is identified by its file number as described in rule 101.5. Identification of the initial financing statement is noted by a label affixed to written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

301.1.2 A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

- 301.2 Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

NAC-Title 436, Ch. 3

301.3 Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

301.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

- 301.5 Status of financing statement. In the information management system, each financing statement has a status of active or inactive.
- 301.6 Page count. The total number of pages in a UCC document is maintained in the information management system.
- 301.7 Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement is active or lapsed.
- 302 Names of debtors who are individuals. For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.
- 302.1 Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.
- 302.2 Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in rule 407, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.
- 302.3 Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers on UCC documents and, if provided will not be entered in the UCC information management system. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are appropriate. In either case, as provided in rule 407, they will be entered into the information management system exactly as received.

NAC-Title 436, Ch. 3

- 302.4 Truncation - individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows.

- 302.4.1 First name: 40 characters.

302.4.2 Middle name: 20 characters.

302.4.3 Last name: 70 characters.

302.4.4 Suffix: 20 characters.

303 Names of debtors that are organizations. This rule applies to the name of an organization who is a debtor or a secured party on a UCC document.

303.1 Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

303.2 Truncation - organization names. The organization name field in the UCC database is fixed in length. The maximum length is 150 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under rule 302.

305 Trusts. If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under rules 407 and 408.

#### NAC-Title 436, Ch. 3

306 Initial financing statement. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows.

306.1 Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the

secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

306.2 Status of debtor. The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

306.3 Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

307 Amendment. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows.

307.1 Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

307.1.1 Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

NAC-Title 436, Ch. 3

307.1.2 Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the

related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

307.1.3 Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

307.1.4 Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

307.1.5 Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

307.1.6 Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

307.1.7 Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

307.2 Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

NAC-Title 436, Ch. 3

308 Assignment of powers of secured party of record.

- 308.1 Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.
- 308.2 Status of financing statement. An assignment shall have no effect upon the status of the financing statement.
- 309 Continuation.
- 309.1 Continuation of lapse date. Upon the timely filing of a continuation, the effectiveness of the initial financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing.
- 309.2 Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.
- 309.3 Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.
- 310 Termination.
- 310.1 Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.
- 310.2 Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.
- 311 Correction statement.
- 311.1 Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.
- 311.2 Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

- 312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

Numbers 313 through 369 are reserved.

### **Direct On-line Data Entry Procedures**

- 370 Definitions. For the purpose of rules relating to the submission of e-filed documents, terms shall have the meaning provided in this rule, unless the context otherwise requires.

370.1 "E-filed document" means a UCC, EFS Document, or Statutory Lien transmitted from a filer to the filing office by e-filing services authorized under this rule.

- 371 Document filing procedures. Interested parties may apply for e-filing services to the Secretary of State's office by completing an Electronic Filing Service Agreement form. After approval by the Secretary of State's Office, Nebraska@ Online will contact the interested party for billing purposes and to establish account number(s) and password(s). Filing guidelines and procedures are available on-line.

- 372 Search request procedures. Interested parties may apply for on-line access to request searches by contacting Nebraska@ Online. Nebraska@ Online will establish account number(s) and password(s). Searching guidelines are available on-line.

Numbers 373 through 399 are reserved.



# **NEBRASKA ADMINISTRATIVE CODE**

## **TITLE 436**

### **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

#### **Chapter 4 -- Filing and Data Entry Procedures**

- 400 Policy statement. This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to promptly file a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data is set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.
- 401 Document indexing and other procedures before archiving.
- 401.1 Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.
- 401.2 Cash management. Transactions necessary to payment of the filing fee are performed.
- 401.3 Document review. The filing office determines whether a ground exists to refuse the document under rule 202.
- 401.3.1 File stamp. If there is no ground for refusal of the paper document, a label is affixed to the document stating the unique identification number and the filing date and this record of the document is maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received. If there is no ground for refusal of an on-line filing, the direct access provider's application assigns a unique identification number and the filing date and this record of the on-line filing is maintained in the UCC information management system.

NAC-Title 436, Ch. 4

401.3.2 Correspondence If there is grounds for refusal of the paper document, notification of refusal to accept the document is prepared as provided in rule 205. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in rule 206. If the UCC document was tendered in person, notice of refusal or acknowledgment of the filing may be given to the remitter by personal delivery. If the UCC document was tendered by on-line access, such notice of refusal (deficiency) or acknowledgement is transmitted to the remitter of the UCC document as well as the information required by rule 206. Acknowledgment of filing or notice of refusal of a UCC document tendered by means other than personal delivery or on-line transmission is sent to the remitter or the secured party (or first secured party if there is more than one named on the UCC document) by regular mail. If the remitter requests return by overnight courier, the remitter must provide a prepaid waybill or access to the remitter's account with the courier.

401.4 Data entry. Data entry and indexing functions are performed as described 407 and 408.

402 Filing date. The filing date of a UCC document is the date the UCC document is received with the proper filing fee, if the filing office is open to the public on that date or, if the filing office is not so open on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5:00 P.M. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after filing date.

403 Filing time. The filing time of a UCC document is determined as provided in rule 106.

404 Lapse date and time. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The

relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

NAC-Title 436, Ch. 4

- 405 Errors of the filing officer. The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall proceed as follows. An entry shall be made upon the record of the financing statement in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The notation shall be preserved for so long as the record is preserved in the UCC information management system.
- 406 Errors other than filing office errors. An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.
- 407 Data entry of names - designated fields. A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names and any suffix. When this is done, the following rules shall apply.
- 407.1 Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.
- 407.2 Individual names. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.
- 407.3 Designated fields encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry will be required to use designated name fields.
- 408 Data entry of names - no designated fields. A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify

whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing in error, the following rules shall apply.

#### NAC-Title 436, Ch. 4

- 408.1 Identification of organizations. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use their own judgment.
- 408.2 Identification of individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.
- 408.3 Individual and organization names on a single line. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two separate debtors, one as an individual and one as an entity.
- 408.4 Individual names. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply.
- 408.4.1 Freestanding initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.
- 408.4.2 Combined initials and names. An initial and a name to which the initial apparently corresponds is entered into one name field only [e.g. "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)].

NAC-Title 436, Ch. 4

- 408.4.3 Multiple individual names on a single line. Two individual names contained in a single line are entered as two, different debtors [e.g. the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith"].
  - 408.4.4 One word names. A one word name is entered as a last name [e.g. "Cher" is treated as a last name].
  - 408.4.5 Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name [e.g. the nickname in the name "William (Bill) Jones" is entered as "William (Bill)" and "Jones" (last name)].
- 409 Verification of data entry. The filing officer uses the following procedures to verify the accuracy of data entry tasks.
- 409.1 Visual inspection of data entry changes is employed for data in the following fields.
    - 409.2.1 Document Information Fields.
    - 409.2.2 Document Type Fields.
    - 409.2.3 Name fields.
    - 409.2.4 Address fields.
- 410 Initial financing statement. A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.
- 410.1 The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in rule 502.
  - 410.2 The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

410.3 The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

NAC-Title 436, Ch. 4

410.4 A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record. If the filing is against a transmitting utility, an indication must be made in the specified box on the UCC Financing Statement Addendum form.

411 Amendment. A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

411.1 The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

411.2 The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and are not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in rule 502.

411.3 If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

412 Correction statement. A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

413 Reserved.

414 Archives - general.

414.1 Paper UCC documents.

414.1.1 Storage. Paper UCC documents are stored onsite in boxes.

414.1.2 Retention. One year after filming/scanning is completed.

NAC-Title 436, Ch. 4

414.2 Reductions.

414.2.1 Storage. Paper records are microfilmed and scanned to CD.

414.2.2 Retention. Filings office has a copy of all microfilm rolls created since inception as well as CD's produced since January 1999.

414.3 Databases. Data is backed up to tape nightly and backup tapes are stored off-sight.

415 Archives - data retention. Data in the UCC information management system relating to financing statements that have lapsed are retained for one year from the date of lapse. Such data will be maintained in the system for one year from the date of lapse and will thereafter be maintained in archives.

416 Archival Searches. Requests for archived searches must be made on a separate search request form and must clearly state the time period to be covered by the completed search (but no longer than 1 year after lapse or termination). The fee for an archived search is as provided in statutes for customary searches.

417 Notice of bankruptcy. The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.

Numbers 418 through 499 are reserved.

# **NEBRASKA ADMINISTRATIVE CODE**

## **TITLE 436**

### **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

#### **Chapter 5 -- Search Requests and Reports**

- 500 General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement. All data, including legacy data, conforms to RA9 Standard Search criteria.
- 501 Search requests. Search requests shall contain the following information.
- 501.1 Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual shall consist of a first, middle, and last name, followed by any suffix that may apply to the name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.
- 501.2 Requesting party. The name and address of the person to whom the search report is to be sent.
- 501.3 Fee. The appropriate fee shall be enclosed, payable by a method described in rule 111.



501.4 Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in UCC statute 9-521 or otherwise, the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.

502 Optional information. A UCC search request may contain any of the following information:

NAC-Title 436, Ch. 5

502.1 A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the city of the debtor, the date of filing (or a range of filing dates) or the identity of the secured party(ies) of record on the financing statements located by the related search. The request may ask for copies of UCC documents identified on the primary search response.

502.2 A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement:

"A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

502.3 Instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office.

503 Rules applied to search requests. Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. The following, and only the following rules are applied to conduct searches.

503.1 There is no limit to the number of matches that may be returned in response to the search criteria.

503.2 No distinction is made between upper and lower case letters.

- 503.3 Punctuation marks and accents are disregarded.
- 503.4 Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the “Ending Noise Words” list as promulgated and adopted by the International Association of Corporation Administrators as from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).
- 503.5 The word "the" at the beginning of the search criteria is disregarded.
- 503.6 All spaces are disregarded.

NAC-Title 436, Ch. 5

- 503.7 For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials.
  - 503.8 After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.
- 504 Search responses. Reports created in response to a search request shall include the following.
- 504.1 Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.
  - 504.2 Report date. The date the report was generated.
  - 504.3 Name searched. Identification of the name searched.
  - 504.4 Certification date. The certification date applicable to the report; i.e., the date and time through the search is effective to reveal all relevant UCC documents filed on or prior to that date.
  - 504.5 Identification of initial financing statements. Identification of each unexpired initial financing statement filed on or prior to the certification date and time corresponding to

the search criteria, by name of debtor, by identification number, and by file date and file time.

504.6 History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

504.7 Copies. Copies of all UCC documents revealed by the search and requested by the searcher.

Numbers 506 through 599 are reserved.

## **NEBRASKA ADMINISTRATIVE CODE**

### **TITLE 436**

## **ADMINISTRATIVE RULES FOR ARTICLE 9 UNIFORM COMMERCIAL CODE**

### **Chapter 6 -- Other Notices of Liens**

600 Policy statement. The purpose of rules in this section is to describe records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC documents and are included on request with the reports described in rule 504.

601 Notice of Federal Tax Lien.

601.1 Filing.

601.1.1 Where to file. Secretary of State's Office.

601.1.2 Fee. As provided in statute.

601.1.3 Duration. Generally speaking the duration of a Federal Tax Lien is 10 years from date of assessment.

601.2 Mechanics of search.

601.2.1 Fee for search. UCC searches include all Federal Tax lien

listings in the database for the customary search fee provided in statute.

601.2.2 Reserved.

602 Notice of State Tax Lien.

602.1 Filing.

602.1.1 Where to file. Secretary of State's office.

602.1.2 Fee. As provided in statute.

602.1.3 Duration. The duration of a State Tax Lien is 10 years from the date of recording.

602.2 Mechanics of search.

602.2.1 Fee for search. UCC searches include all State Tax Lien listings in the database for the customary search fee provided in statute.

NAC-Title 436, Ch. 6

602.2.2 Reserved.

603 Notice of other lien in favor of a governmental body.

603.1 Notice #1. Abstract of Judgement.

603.2 Notice #2. Criminal Fine Enforcement.

603.3 Notice #3 Notice of Lien for Fine or Penalty for Sentencing.

603.1.1 Where to file. Secretary of State's office.

603.1.2 Fee. As provided in statute.

603.1.3 Duration. The duration of Abstracts of Judgement, Criminal Fine Enforcement liens, and Notice of Lien for Fine or Penalty for Sentencing Liens is 20 years from the date of record.

604 Statutory (Agricultural) liens.

604.1 Mechanics of filing. Statutory (agricultural) liens are filed in the same manner as an initial financing statement and may use all forms and formats of communication permitted to be used in connection with initial financing statements. They are indexed by debtor name and will be revealed by searches under rules 504.

- 604.1.1 Where to file. Secretary of State's office.
- 604.1.2 Fee. As provided in statute.
- 604.1.3 Duration. The duration of the various Statutory (agricultural) liens are as provided in statute.

604.2 Mechanics of search.

- 604.2.1 Fee for search. UCC searches include all Statutory (agricultural) liens in the database for the customary UCC search fee as provided in statute.

605 Notice of lien in favor of a private individual or entity #2.

- 605.1 Mechanics of filing. Physician's Liens and Jeweler's Lien for Repair Work are filed at the county level according to Nebraska Statutes.

- 605.1.1 Where to file. County Level.
- 605.1.2 Fee. As provided in statute.
- 605.1.3 Duration. The duration is as provided in statute.

NAC-Title 436, Ch. 6

605.2 Mechanics of search.

- 605.2.1 Fee for search. As provided in statute.

606 Farm Product Security Interests (EFS statements)

- 606.1 Mechanics of filing. EFS (Effective Financing Statements) are filed at the Secretary of State's office according to Nebraska Statutes.

- 606.1.1 Where to file. Secretary of State's Office.
- 606.1.2 Fee. As provided in statute.
- 606.1.3 Duration. The duration is as provided is 5 years from date of filing.

606.2 Mechanics of search.

- 606.2.1 Fee for search. As provided in statute.

Numbers 606 through 699 are reserved.

**NEBRASKA ADMINISTRATIVE CODE**

**TITLE 436**

**ADMINISTRATIVE RULES FOR ARTICLE 9  
UNIFORM COMMERCIAL CODE**

**Chapter 7 -- Rule Making Procedure**

700 Reserved

701 Reserved

702 Procedure for adoption of rules. Prior to the adoption, amendment, or repeal of a rule, the filing officer shall comply with this rule.

702.1 Delivery of notice. The filing officer shall deliver notice of its intended action at least thirty days in advance of the action to the executive officer of the state bar association, the executive officer of the state bankers association, the chairperson of the UCC section of the International Association of Corporation Administrators, and any other person who requests written notice of intended action to adopt, amend, or repeal a rule and who agrees to pay the cost of transmitting such notice to such other person. The notice shall state the substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.

703 Reserved

704 Notice of adoption of rule and effective date. The filing officer shall deliver a notice of adoption of a rule to the executive officer of the state bar association, the executive officer of the state bankers association, the chairperson of the UCC section of the International Association of Corporation Administrators, and any other person who requests written notice of adopted rules and who agrees to pay the cost of transmitting such notice to such other person.

Numbers 705 through 799 are reserved.

## **APPENDIX A**

### **Secretary of State Approved Filing and Search Forms**